

Article 12
LAYOFF AND RECALL

- A. The Union recognizes the exclusive right of the Employer to lay off Bargaining Unit members for such reasons as lack of funds, lack of work, administrative efficiency, including the right to determine the positions to be abolished or to remain vacant, the extent, effective date and length of such layoffs.
1. An Executive Order reducing Departmental spending and/or wage and salary appropriations, shall be conclusive as to the Employer's right to layoff unit members.
 2. Instructions by the State Budget Director to Departments and Agencies to reduce spending in preparation for lapses of spending authorizations necessary to balance the state's budget shall be treated, for purposes of this Article and Agreement, as conclusive as to the Employer's right to layoff unit members.
 3. Nothing in this Article or Agreement shall preclude the parties from mutually agreeing to any other alternative(s) to indefinite layoffs of unit members. Paragraph P of this Article contains an alternative to indefinite layoff which may be invoked by the Employer.
 4. No Arbitrator may attach any conditions to the use of indefinite layoffs or options provided herein which are not expressly provided in the language of this Article.
- B. Definition. "Layoff from employment" shall be the term applied to a unit member who is out of a job by virtue of being laid off or bumped, and who has exhausted or has no bumping rights.
- C. Layoff, bumping and recall of unit members shall be exclusively governed by the procedures set forth in this Article and this Agreement. However, such procedures shall not apply to temporary layoffs, which shall be governed in accordance with the Section so entitled.
- D. Limited Term Employee. The expiration of a limited term appointment shall not be considered a layoff for purposes of this Article. A unit member with status acquired in a limited term appointment, and separated because of the expiration of that appointment may be reinstated within three (3) years in any vacancy in any Department and in the same class as that from which the unit member was separated. Such reinstatement may precede employment of any person from a promotional list and any person with less seniority on a layoff list. This subsection shall not apply in the case of a continuing state unit member who accepted an appointment to a limited term position at any level; in this situation the employee may exercise employment preference at the end of the limited-term

appointment. Employment preference begins at the last classification level at which the employee achieved status in an indefinite appointment before accepting the limited-term appointment. Employment preference may be exercised only within the principal department or autonomous agency that appointed the employee to the limited term appointment.

A person who is recalled on a limited term basis is not eligible to exercise employment preference at the end of the limited-term appointment but shall be returned to all recall lists for which the employee is eligible.

- E. Notice to MPES. The Employer will, when indefinite or temporary layoffs are being planned, inform the Union as soon as practicable and, upon written request, discuss the impact of such layoff on unit members.
 - 1. The Employer shall furnish the Union written notice of the name, class title, current assignment location, and seniority of unit members holding positions scheduled for abolishment.
 - 2. It is recognized that unit member choices and ultimate bumping rights preclude the Employer from providing information beyond what is required herein.
- F. List to MPES. When layoffs and bumping are completed the Union shall be entitled to request and receive a completed list of bumps and layoffs from employment.
- G. Voluntary Layoffs. When the Employer elects to reduce the work force, unit members within the affected classifications and layoff unit may request, in writing, preferential and layoff out of line seniority. Such voluntary layoff shall be for at least ninety (90) days. After this period, the laid-off unit member's name shall be placed on recall lists in accordance with the provisions of this Article.
- H. General Layoff Provisions. The Employer, in its sole discretion, shall determine those positions which are to be abolished or remain vacant. Layoff units and bumping procedures shall be defined for all bargaining unit positions within a Department/Agency as described in this Article
 - 1. Definition. Seniority for purposes of layoff, bumping, and recall shall be as defined in Article 11, paragraph A.
 - 2. Excluded Employees. Excluded managerial, supervisory, confidential and eligible non-exclusively represented employees as defined by the Civil Service Rules and Regulations shall be permitted to bump back into the Bargaining Unit under procedures outlined in this Article. Seniority of excluded managerial, supervisory, confidential and eligible non-exclusively represented

employees for purposes of bumping into the Bargaining Unit shall be computed as follows:

- a. For bumping purposes, all excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who moved from the rank and file of this Bargaining Unit to an excluded managerial, supervisory, confidential and eligible non-exclusively represented position prior to November 4, 1982 shall retain all continuous service hours for purposes of seniority earned up to November 4, 1982 plus not more than one thousand forty (1040) hours earned in such excluded managerial, supervisory, confidential and eligible non-exclusively represented position subsequent to November 4, 1982.
- b. For bumping purposes, all excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who move from the rank and file of this Bargaining Unit to an excluded managerial, supervisory, confidential and eligible non-exclusively represented position after November 4, 1982 shall retain all continuous service hours for purposes of seniority earned up to the effective date of such appointment and thereafter up to 1040 hours earned in such excluded managerial, supervisory, confidential and eligible non-exclusively represented position.
- c. The seniority of excluded managerial, supervisory, confidential and eligible non-exclusively represented employees for purposes of bumping into the Bargaining Unit shall be the total continuous service hours as defined in Article 11, Section A, regardless of the rank and file position in which the hours were accrued. An additional one thousand forty (1040) hours earned in the excluded managerial, supervisory, confidential and eligible non-exclusively represented position shall also be added to the seniority hours in accordance with Section H.2.a. or H.2.b. of this Article, whichever is applicable.
- d. Seniority of unit members who have earned time in an excluded managerial, supervisory, confidential and eligible non-exclusively represented position but are in the Bargaining Unit at the time of layoff shall be their total continuous service hours as defined in Article 11, Section A.

- e. Excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who have bumping rights into the Bargaining Unit shall exercise bumping rights in the same manner as unit members. Specifically, an excluded managerial, supervisory, confidential and eligible non-exclusively represented employee shall be permitted to bump to a lower level in a class series if such employee has attained Civil Service status in a higher level in that class series.
 - f. Excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who bump into the Bargaining Unit, are subsequently promoted to an excluded managerial, supervisory, confidential and eligible non-exclusively represented position and then are again affected by a reduction in force which will result in their bumping back into the Bargaining Unit shall have their seniority calculated as the total continuous service hours up to the most recent date such excluded managerial, supervisory, confidential and eligible non-exclusively represented employee moved to the excluded managerial, supervisory, confidential and eligible non-exclusively represented position plus not more than one thousand forty (1040) hours earned in the most recent appointment to such excluded managerial, supervisory, confidential and eligible non-exclusively represented position.
- 3. Out of Line Seniority. The Employer may lay off and recall out-of-line seniority (1) because of Department of Civil Service approved Selective Certification or (2) to maintain a Department/Agency affirmative action program which is currently in effect and approved by the Employer in accordance with directives or orders of the Governor, is in accordance with applicable law, and has been approved in advance by the state personnel director
 - 4. Under no circumstances will unit members have bumping rights into any other bargaining unit unless specifically so provided by a reciprocal agreement with the exclusive representative. There shall be no bumping into the MPES unit except as provided herein.
 - 5. The Employer will make reasonable efforts to fill Bargaining Unit vacancies by recalling laid off unit members before hiring new state employees. The Employer may consider qualified laid off unit members for vacancies which the Employer intends to fill.
 - 6. The Employer shall make every effort to consider qualified laid-off unit members for vacancies which the Employer intends to fill.

The Employer agrees to work with the Department of Civil Service to insure that every unit member who is laid-off without a position shall have the opportunity to be considered for any vacant positions for which the unit member can meet Civil Service certification requirements subject to the following provisions:

- a. Such unit member must be fully capable of functioning in that position after completing 1,040 hours in that position.
- b. Such unit member must be willing to accept an appointment at the available location.

This procedure shall only be utilized in those cases where there are no recall lists for a particular class and level.

- I. Layoff and Bumping Procedure. When the Employer determines there is to be a layoff, the Employer shall first identify those positions within a Layoff Unit which are to be abolished or remain vacant.
 1. Definition of Least Senior. For purposes of this Article, the least senior position is defined as either a vacant position which the Employer intends to fill; or in the absence of such vacancy, the position occupied by the least senior unit member.
 2. Notice to Employees. Unit members occupying positions to be abolished shall be given written notice of layoff not less than ten (10) days prior to the effective date of layoff. Unit members who may be bumped as a result of the position abolishment may also be noticed. The unit member noticed for layoff shall, within five (5) days of receipt of notification, inform the Departmental/Agency Employer in writing of his/her irrevocable decision to accept layoff or exercise bumping rights in accordance with Sections I.3.-5. of this Article. The Departmental/Agency Employer shall thereafter complete the bumping process.
 3. Departmental Layoff Units
 - a. Department of Agriculture: One of the seven geographical areas established by the Department as of October 1, 1981. [See Appendix F]
 - b. Department of Community Health: Agency except for Central Office Agency which shall be one layoff unit, and shall have

layoff subunits of the upper peninsula laboratory; and the Martin Luther King Boulevard complex laboratory; and, corrections/mental health services agency, which shall be by the following Worksites: Huron Valley Center, Ionia Clinical Complex, Jackson Clinical Complex, and Southeast Clinical Complex.

- c. Department of Consumer & Industry Services: (Delegated to Secondary Negotiations)
- d. Department of Corrections:
 - (1) Corrections Facility Administration - All buildings of an institution which constitute a facility.
 - (2) Field Operations Administration - All buildings within a county.
- e. Department of Environmental Quality: District (See Appendix F)
- f. Family Independence Agency: County
- g. MSHDA-Michigan State Housing Development Authority: Statewide
- h. Department of Management and Budget: County except that Ingham and Eaton Counties shall be one Layoff Unit.
- i. Department of Military Affairs:
 - (1) Zone 1 - Area of the state north of a line between Bay City and Shelby (M-20) to include the Upper Peninsula.
 - (2) Zone 2 - Area of the state south of a line between Bay City and Shelby (M-20).
- j. Department of Natural Resources: District (See Appendix F)
- k. Department of State: By county by organizational unit as follows:
 - (1) Office of the Secretary of State
 - (2) Office of Hearings and Legislation
 - (3) Office of Driver and Vehicle Administration
 - (4) Bureau of Automotive Regulation
 - (5) Bureau of Department Services
 - (6) Bureau of State Services
- l. Department of State Police: County, except for Ingham and Eaton counties shall be one Layoff Unit, and the combined

Wayne, Oakland and Macomb Counties shall be one Layoff Unit.

m. Department of Transportation:

(1) Subunit - A division within a bureau within a layoff unit.

(2) Layoff Unit - Region, except for Lansing which includes the Secondary Complex and the Bureau of Aeronautics which shall be one layoff unit.

n. Department of Treasury: Statewide

7. General Conditions. The following general conditions shall apply to layoffs in all Departments/Agencies of the Employer:

- a. Unit members exercising bumping rights must meet the requirements of Section H.3.
- b. Unit members shall be permitted to bump only within their same employment type (i.e., full-timers bump only less senior full-timers; part-timers bump only less senior part-timers; permanent-intermittent bump only less senior permanent-intermittent; etc.) unless specifically provided for otherwise.
- c. Level is defined as the position comparison equivalent level as determined by the Department of Civil Service.
- d. A unit member who has exhausted all his/her bumping rights and does not have sufficient seniority to retain a position, shall be laid off.
- e. The provisions for bumping shall not permit a unit member to bump to a higher level.
- f. As a result of bumping downward a unit member shall not earn more than the maximum rate of the lower class bumped into or more than the rate previously earned in a higher class from which the unit member bumped. When a unit member bumps downward, he/she shall be paid at the step in the lower pay range which is the nearest to his/her previous pay without a pay increase.
- g. For purposes of Article 12, a unit member shall be considered to be qualified if he/she has completed the initial probationary period (2,080 hours) and 1040 hours in a class and level; and will be deemed qualified for lower levels within the same class series except as provided by Article 12. In addition, a unit member who has served satisfactorily in another class shall be considered qualified in that previous class and level as well as successively lower levels in that class series.

h. Positions in a class series which contain automatic level changes shall be considered to be in the same class and level.

8. Bumping Sequence by Department: These provisions shall apply to all unit members in all Departments. A unit member shall have the right to bump into a former class series in a layoff unit at or below any level in which the unit member had satisfactorily completed 1040 hours. The unit member may exercise this right if he/she cannot bump down into a least senior position in the current class series or if, when bumping into a former class series he/she would receive a higher rate of pay than he/she would receive if such rights were not exercised. If a bump to a former class series within the layoff unit is not possible, a unit member shall be able to exercise such right statewide in those departments where statewide bumping is an option in accordance with the bumping sequences specified in this Section 3.

a. Department of Agriculture:

- (1) A unit member shall bump into the least senior position in his/her current class-level within the layoff unit.
- (2) If (1) is unavailable, a unit member shall have the option of bumping to the least senior position within his/her current class and level statewide or bumping into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (3) If (1) and (2) are unavailable, a unit member shall bump to the least senior position at successively lower levels within his/her current class series statewide.

b. Department of Community Health:

- (1) A unit member shall bump to the least senior position in his/her current class/level within the layoff unit.
 - (i) Unit members in the central office layoff unit shall bump into the least senior position in his/her current class and level within the subunit.
 - (ii) If (i) is unavailable, a unit member within the central office layoff unit shall bump into the least senior position at successively lower levels within his/her current class series within the layoff subunit.
 - (iii) If (ii) is unavailable, a unit member within the central office layoff unit shall have the option of bumping into the least senior position within his/her current class and level in the other layoff subunit.
 - (iv) If (iii) is unavailable, a unit member within the central office layoff unit, shall bump into the least senior

position, within his/her current class series at successively lower levels in the other layoff subunit.

(2) If (1) is unavailable, a unit member shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) There is no bumping beyond the layoff unit.

c. Department of Consumer & Industry Services (excluding MSHDA):

(1) For purposes of this section, employment types shall be:

Permanent full time

Permanent less than full time

Employees currently in permanent less than full time positions begin the bumping sequence at step 1. Employees currently in permanent full-time positions begin the bumping sequence at step 3.

Employees shall bump into the least senior position in their classification beginning with the layoff unit in the following successive order:

Step	Employment type	Level	Geographic area
1	Less than full time	Current level	Layoff unit
2	Less than full time	Successively lower levels	Layoff unit
3	Full time	Current level	Layoff unit
4	Full time	Successively lower levels	Layoff unit
5	Less than full time	Current level	Layoff unit
6	Less than full time	Successively lower levels	Layoff unit

The employer is under no obligation to change the employment type of a position bumped into by the employee of a different employment type.

For example, if an employee with a job share employment type bumps into a full time position, the employer is under no obligation to change the full time position to job share.

d. Department of Corrections:

- (1) Unit members shall bump into the least senior position in his/her current class and level within the layoff unit.
- (2) If (1) is unavailable, a unit member shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (3) If (2) is unavailable, a unit member shall bump into the least senior position in his/her current class and level, and thereafter, successively lower levels statewide.

e. Department of Environmental Quality:

- (1) For purposes of this section, employment types shall be:
 - (i) permanent full time
 - (ii) permanent less than full time
- (2) Geographic bumping tiers for unit members in the DEQ shall occur in the following successive order:
 - district-wide
 - region-wide
 - state-wide

For the purposes of layoff and bumping only, the regions are designated by the following DEQ districts as shown on the district map:

- Region 1 - Marquette District
- Region 2 - Cadillac, Saginaw Bay Districts
- Region 3 - Grand Rapids, Plainwell, Shiawassee, Southeast Michigan, Jackson Districts.

Employees currently in permanent less than full time positions begin the following bumping sequence at step 1. Employees currently in permanent full-time positions begin the following bumping sequence at step 3.

Employees shall bump into the least senior position in their classification beginning with the layoff unit in the following successive order:

Step	Level	Employment Type	Geographic
1	Current Level	Less than Full Time	Layoff Unit
2	Successively Lower Levels	Less than Full Time	Layoff Unit
3	Current Level	Full Time	Layoff Unit
4	Successively Lower Levels	Full Time	Layoff Unit
5	Current Level	Full Time	Region Wide
6	Successively Lower Levels	Full Time	Region Wide
7	Current Level	Full Time	State Wide
8	Successively Lower Levels	Full Time	State Wide
9	Current Level	Less than Full Time	Layoff Unit
10	Successively Lower Levels	Less than Full Time	Layoff Unit

The employer is under no obligation to change the employment type of a position bumped into by the employee of a different employment type.

For example, if an employee with a job share employment type bumps into a full time position, the employer is under no obligation to change the full time position to job share.

f. Family Independence Agency

- (1) Unit members shall bump into the least senior position in his/her current class and level within the layoff unit.
- (2) If (1) is unavailable, a unit member shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (3) If (2) is unavailable, a unit member shall bump into the least senior position in his/her current class and level, and thereafter, successively lower levels statewide.

g. MSHDA:

- (1) A unit member shall bump into the least senior position in his/her current class and level statewide.

- (2) If (1) is unavailable, a unit member shall bump into the least senior position, within his/her current class series at successively lower levels statewide.

h. Department of Management and Budget:

- (1) Unit members shall bump into the least senior position in his/her current class and level within the layoff unit.
- (2) If (1) is unavailable, a unit member shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (3) If (2) is unavailable, a unit member shall bump into the least senior position in his/her current class and level, and thereafter, successively lower levels statewide.

i. Department of Military Affairs:

- (1) A unit member shall bump to the least senior position in his/her current class/level within the layoff unit.
- (2) If (1) is unavailable, a unit member shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (3) There is no bumping beyond the layoff unit.

j. Department of Natural Resources: [see Appendix F]

- (1) For purposes of this section, employment types shall be:
 - a. permanent full time
 - b. permanent less than full time
- (2) Geographic bumping tiers for unit members in the DNR shall occur in the following successive order:
 - a. district-wide
 - b. region-wide
 - c. state-wide

Employees currently in permanent less than full time positions begin the following bumping sequence at step 1. Employees currently in permanent full-time positions begin the following bumping sequence at step 3.

Employees shall bump into the least senior position in their classification beginning with the layoff unit in the following successive order:

Step	Level	Employment Type	Geographic
1	Current Level	Less than Full Time	Layoff Unit
2	Successively Lower Levels	Less than Full Time	Layoff Unit
3	Current Level	Full Time	Layoff Unit
4	Successively Lower Levels	Full Time	Layoff Unit
5	Current Level	Full Time	Region Wide
6	Successively Lower Levels	Full Time	Region Wide
7	Current Level	Full Time	State Wide
8	Successively Lower Levels	Full Time	State Wide
9	Current Level	Less than Full Time	Layoff Unit
10	Successively Lower Levels	Less than Full Time	Layoff Unit

The employer is under no obligation to change the employment type of a position bumped into by the employee of a different employment type.

For example, if an employee with a job share employment type bumps into a full time position, the employer is under no obligation to change the full time position to job share.

k. Department of State:

- (1) A unit member shall bump into the least senior position in his/her current class-level within the layoff unit.
- (2) If (1) is unavailable, a unit member shall have the option of bumping to the least senior position within his/her current class and level statewide or bumping into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (3) If (1) and (2) are unavailable, a unit member shall bump to the least senior position at successively lower levels within his/her current class series statewide.

l. Department of State Police:

- (1) A unit member shall bump into the least senior position in his/her current class/level within the Layoff Unit. In addition, when there is more than one work unit within the layoff unit, the employee may also have the same bumping option within his/her work unit.

- (2) If (1) is unavailable, the unit member shall have the option of bumping to the least senior position within his/her current class and level statewide or bumping into a least senior position at successively lower levels within his/her current class series within the layoff unit. In addition, when there is more than one work unit within the layoff unit, the unit member may also have the same bumping option within his/her work unit.
- (3) If (2) is unavailable, the unit member shall have the option of bumping into a least senior position at successively lower levels within his/her current class series statewide.

Work unit is defined as a facility or building or a group of offices within a building to which bargaining unit employees regularly report for work.

The parties agree that where a position requires court testimony as an expert witness as an element of the job, the unit member must possess the education, experience and training to be recognized by a court as an expert witness in the specialty area of the position.

m. Department of Transportation:

- (1) A unit member shall bump into the least senior position in his/her current class and level within the subunit.
- (2) If (1) is unavailable, a unit member shall bump into the least senior position in his/her current class and level within the layoff unit.
- (3) If (1) and (2) are unavailable, a unit member shall have the option of bumping into the least senior position within his/her current class and level statewide or bumping into the least senior position at successively lower levels within his/her current class series within the layoff unit.
- (4) If (3) is unavailable a unit member shall bump into the least senior position, within his/her current class series at successively lower levels statewide.

n. Department of Treasury:

- (1) A unit member shall bump into the least senior position in his/her current class and level statewide.
- (2) If (1) is unavailable, a unit member shall bump into the least senior position, within his/her current class series at successively lower levels statewide.

J. Recall Lists: Definitions. For purposes of this Article the following definitions apply:

1. The Primary Class is the class and level from which a unit member is initially laid off or bumped.
2. The Secondary Class is a class and level in the Bargaining Unit, other than the primary class, in which the unit member has achieved Civil Service status or has satisfactorily completed the required probationary period (2,080 hours), and any lower level class in that class series.
3. A Layoff Unit Recall List is a list of each layoff unit, by class and level, of each unit member who has been laid off or bumped from a position in that Layoff Unit, and for which he/she is eligible under subsections 1 and 2 hereinabove, and has requested recall to such class and level.
4. A Departmental Recall List is a list by class and level, and by Layoff Unit of each unit member who has been laid off or bumped from a position in that Department, and for which he/she is eligible under subsections 1 and 2 hereinabove and has requested recall to such class, level, and layoff unit.
5. A Statewide Recall List is a list by class and level, and by county of each unit member who has been laid off or bumped from a position in the state classified service, and for which he/she is both eligible under subsections 1 and 2 hereinabove and has requested recall to such class, level, and county.

K. Construction of Lists.

1. Primary Class. Each unit member who is laid off from state employment, or who bumps to a lower level within his/her class series, or to a former class series, shall have the right to have his/her name placed upon the Layoff Unit Recall List for the class and level from which he/she has been laid off or bumped (Primary Class). [See Appendix E for Recall Request Forms.]
2. Secondary Class. In addition, such unit member shall have the right, upon written request to his/her Appointing Authority, to have his/her name placed upon the Layoff Unit Recall List for a Secondary Class, if eligible.
3. Departmental Recall List. Such unit member shall also have the right, upon written request as above, to have his/her name placed on the Departmental Recall List for the Primary and Secondary Classes for which he/she is eligible, for each Layoff Unit in the Department at which he/she will accept recall.
4. Statewide Recall List. Such unit member upon written request to his/her Appointing Authority as provided above, shall have the right to have his/her name placed on the Statewide Recall List for the Primary

and Secondary Class for which he/she is eligible, for each county to which recall would be accepted.

5. Addition/Deletion. A unit member may add or delete his/her name from any Recall List without penalty at any time prior to being recalled, by giving written notice of such request to his/her Appointing Authority. Similarly, without penalty, a unit member may also add or delete a Layoff Unit or county to which he/she had requested recall prior to being recalled.

L. Recall from Layoff. The provisions of this Section shall be applied subject to the exceptions listed in Section H(3) above of this Article. Notice of recall shall be sent to the unit member at his/her last known address by registered or certified mail.

1. When the Employer intends to fill a vacancy by recall, the Employer shall recall the most senior unit member who is on the Layoff Unit Recall List for such classification and level.
2. If no unit member is on such layoff unit recall list, the Employer shall recall the most senior unit member from the Departmental Recall List for the class and level who has designated the Layoff Unit in which the vacancy exists as one to which he/she will accept recall.
3. If no unit member is on such Departmental Recall List, the Employer shall recall one (1) of the three (3) most senior unit members from the Statewide Recall List for the class and level who have designated the county in which the vacancy exists as one to which he/she will accept recall.
4. The unit member's right to recall shall exist for a period of up to five (5) years from the date of layoff.

M. Removal of Name From Recall Lists. If a unit member fails to respond within ten (10) calendar days from the date of mailing of the recall notice his/her name shall be removed from recall lists. In addition, his/her name shall be removed from recall lists as provided below:

1. A unit member who refuses recall to employment in his/her Layoff Unit in his/her Primary Class shall be removed from all recall lists as a voluntary resignation.
2. A unit member who accepts recall to employment in his/her Layoff Unit and his/her Primary Class shall be removed from all recall lists.
3. A unit member who refuses or accepts recall to a Secondary Class on the Layoff Unit recall list shall be removed from all lists for such Secondary Class.

4. A unit member who refuses or accepts recall to a Primary or Secondary Class on a Departmental Recall List shall be removed from the list(s) for such class except at the Layoff Unit from which he/she was laid off.
 5. A unit member who refuses or accepts recall to a Primary or Secondary Class on a Statewide Recall List shall be removed from such list.
 6. In the event a recall notice as provided in Section L above is returned to the Employer as not received or as refused by the unit member, that unit member shall be deemed to have refused to accept recall.
 7. A unit member who failed to respond to a recall notice and who subsequently was removed from recall lists, may, within thirty (30) calendar days of such removal, request reinstatement on all appropriate recall lists in writing. After establishment of valid reasons for the failure to respond, the unit member shall be reinstated on all appropriate recall lists, but shall have only future recall rights.
- N. Temporary Recall. In accordance with the provisions of this Article, unit members may designate agreement in writing to be recalled by Department/Agency Layoff Unit on a temporary basis when laid off. Temporary recall shall also be on the basis of seniority. A unit member who fails or refuses to accept temporary recall to a layoff unit previously designated shall be removed from that list. Removal from a Temporary Recall List shall be effected when a unit member refuses temporary recall, but shall not affect the unit member's place on a Permanent Recall List.
- O. Layoff and Recall Information to MPES. The departmental Employer agrees to provide copies of relevant portions of seniority lists which the Employer uses to complete the layoff process. The departmental Employer further agrees to provide to MPES, upon written request, copies of any recall list(s) which were used to recall unit members.
- P. Temporary Layoffs. Application of temporary layoffs. Temporary layoff may be invoked by the Employer under paragraph A above.
1. Application
 - a. Temporary layoff shall not exceed six (6) days per fiscal year.
 - b. Unit members shall be laid off by inverse seniority order within the affected layoff unit(s) or; in a circumstance where not all work sites in a layoff unit are involved, by inverse seniority order within the work site; however, where the Employer determines to temporarily lay off all of the unit members in a Layoff Unit, it may do so provided that:

- (1) The cumulative period does not exceed six (6) days per Fiscal Year; and
 - (2) All unit members in the Layoff Unit shall be laid off in approximately equal numbers for an equal number of days.
- c. **Waiver.** A unit member who is temporarily laid off shall not be entitled to any leave balance payoffs, to bump to any other position, nor to be placed on any recall list or be recalled to any position other than the one from which the unit member was temporarily laid off. The maximum advance notice possible under the circumstances shall be provided.
- d. The Employer will continue to pay its share of the premium for group insurance programs for any unit member placed on temporary layoff, provided the unit member prepays his/her share of the premium. Accumulated annual leave and sick leave balances will be frozen during the period of the temporary layoff.
2. **Seniority.** An employee who is temporarily laid off pursuant to this Section will not lose continuous service hours for purposes of seniority and fringe benefit accrual. A temporarily laid off employee will not be paid.
3. **Notice Requirements.** The parties agree that notwithstanding the notice requirements contained in Article 12, the temporary layoff notice requirements are as follows:
 - a. **Notice to MPES.** The Employer will give the Union at least (14) calendar days written notice of the date or dates on which the Employer plans to implement temporary layoffs of all or some bargaining unit employees.
 - b. **Notice to Employees.** The Department or Agency will give written notice to the employees to be laid off at least fourteen (14) calendar days before the first day of layoff. The Department or Agency will give the Union concurrent notice of employee names and, to the extent feasible, work location.
 - c. **Exempted Work Location Notice.** If a work location is completely exempted from temporary layoff, the Department or Agency will post a notice so stating at least seven (7) calendar days before the first day of layoff.

Q. **Benefit Continuation During Layoff**

1. Unit members laid off as a result of a reduction in force may elect to prepay their share of premiums for medical, dental, vision and life insurance for two (2) additional pay periods after layoff by having such premiums deducted from their final pay checks. The State will pay the state's share of the premium for medical, dental, vision and life insurance for these two (2) pay periods for unit members

electing this option. Election of this option shall not affect the laid off unit member's eligibility for health and life insurance coverage for twelve (12) months subsequent to layoff by directly paying the entire premium, as per current practice for the remaining eleven (11) months of the one (1) year period.

2. Unit members who are laid off, at the time of layoff, may elect to continue enrollment in the Group Basic and Major Medical Plan (or alternative plan) by paying the full amount (100%) of the premium. Such enrollment may continue until the unit member is recalled or for a period of three (3) years, whichever occurs first. Such unit members may also elect to continue enrollment in the Group Dental and/or Group Vision plans by paying the full amount (100%) of the premium. Such enrollment may continue until the unit member is recalled or for a period of eighteen (18) months, whichever occurs first. In accordance with paragraph 1 of this Section, the Employer shall pay the Employer's share of such premiums for two (2) pay periods for unit members selecting these options.

R. Annual Leave

1. Laid off unit members who are rehired from layoff to a permanent position in a different Department/Agency may elect to buy back up to eighty (80) hours of accrued annual leave which had been paid off. Unit members recalled to the Department/Agency from which they were laid off may elect to buy back any portion of annual leave up to the amount paid off. Unit members electing this option shall buy back annual leave at the returning rate of pay. Such payment shall be made to the Department/Agency making the original payoff. Such option may be exercised only once per recall, and must be exercised during the first thirteen (13) pay periods of the recall/rehire.
2. A unit member separated by reason of layoff may elect to freeze annual leave up to the accrued balance at the time of layoff. Such balance shall be retained until the unit member elects to be paid off for the balance or until the unit member's recall rights expire, whichever occurs first. Payoff shall be at the unit member's last rate of pay.